

Article 3. General Provisions

16-301 JURISDICTIONAL AREA. The Provisions of these regulations shall apply to all structures and land in the incorporated area of Gardner, Kansas as shown on the Official Zoning Map.

301.1 The jurisdictional area shall be shown on the Official Zoning District Map and filed in the office of the City Clerk.

16-302 ESTABLISHMENT OF DISTRICTS. For the purpose of regulating and restricting the use of land and the erection, construction reconstruction, alteration, moving or use of buildings, structures, or land, the corporate area of Gardner, Kansas, is hereby divided into the following Districts.

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| "A" | Agricultural District |
| "RE" | Residential Estates District |
| "R-1" | Single Family Residential District |
| "R-1A" | Small-Lot Single-Family Residential District |
| "R-2" | Two Family Residential District |
| "R-3" | Garden Apartment District |
| "R-4" | Condominium District |
| "R-5" | Apartment House District |
| "RP-1" | Planned Single Family Residential District |
| "RP-2" | Planned Two Family Residential District |
| "RP-3" | Planned Garden Apartment District |
| "RP-4" | Planned Condominium Dwelling District "RP-5" |
| "RP-5" | Planned Apartment House District |
| "M-P" | Mobile Home Park District |
| "M-S" | Mobile Home Subdivision District |
| "C-O" | Office Building District |
| "CO-A" | Neighborhood Business District |
| "C-1" | Central Business District |
| "C-2" | General Business District |
| "C-3" | Commercial District |
| "CP-0" | Planned Office Building District |
| "CP0-A" | Planned Office and Limited Sales District |
| "CP-1" | Planned Restricted Business District |
| "CP-2" | Planned General Business District |
| "CP-3" | Planned Commercial District |
| "M-1" | Restricted Industrial District |
| "M-2" | General Industrial District |
| "MP-1" | Planned Restricted Industrial District |
| "MP-2" | Planned General Industrial District |
| "REC" | Recreational District |
| "PUD" | Planned Unit Development District |
| "UCD" | Urban Corridor Special Overlay District |
| "F-P" | Flood Plain Overlay District |
| "I-A" | Industrial Airport Area Overlay District |

16-303 ZONING DISTRICT MAP. The boundaries of the districts as enumerated above are shown on the Zoning District Map of the City of Gardner, Kansas which is filed in the office of the City Clerk. Said zoning map, with all notations, references and other information shown thereon is as much a part of these zoning and regulations as if the same were set forth in full herein.

16-304 RULES WHERE UNCERTAINTY MAY ARISE. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Map, incorporated herein, the following rules apply:

- 304.1 The district boundaries are the centerlines of streets, alleys, and waterways, unless otherwise indicated; and where the designation of a boundary line on the zoning map coincides with the location of streets, alleys, or waterways, the centerline of such streets, alleys, or waterways, shall be construed to be the boundary line of each district.
- 304.2 Where the district boundaries do not coincide with the location of streets, or alleys, waterways, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
- 304.3 Where the district boundaries do not coincide with the location of streets, alleys, waterways, or lot-lines, the district boundaries shall be determined by ownership boundaries, legal descriptions used for past zonings or the use of the scale shown on the zoning map.

16-305 EXEMPTIONS. The following structures and uses shall be exempt from the provisions of these regulations:

- 305.1 Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water operated or maintained by a public utility but not including substations located on or above the surface of the ground.
- 305.2 Retaining walls.
- 305.3 Public signs.

16-306 APPLICATION OF REGULATIONS. The following general requirements shall apply to all zoning districts except as hereinafter provided:

- 306.1 No building or structure shall be erected, constructed, reconstructed, moved or altered, nor shall any building, structure or land be used for any purpose other than is permitted in the district in which such building, structure or land is situated.
- 306.2 No building or structure shall be erected, constructed, reconstructed, moved or altered to exceed the height or area limit herein established for the district in which such building or structure is located.
- 306.3 No lot area shall be reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by these requirements, nor shall the density of population be increased in any manner, except in conformity with the area regulations established herein.

16-307 ANNEXED LAND. All land which may hereafter be annexed to the City shall be classified the corresponding district most similar to the zoning classification which was in effect under the prior zoning jurisdiction until or unless otherwise changed in accordance

with Article 15. For annexed land previously under the jurisdiction of Gardner Township Board or other townships within Johnson County the corresponding districts shall be:

| | <u>Township District</u> | <u>City District</u> |
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| "A" | Agricultural | "A" Agricultural |
| "RLD" | Rural Low Density | "R-1" Single Family Res. |
| "RR" | Rural Residential | "R-1" Single Family Res. |
| "R-1A" | Single Family Residential | "R-1" Single Family Res. |
| "R-1B" | Single Family Residential | "R-1" Single Family Res. |
| "R-2" | Two Family Residential | "R-2" Two Family Res. |
| "R-3" | Townhouse | "R-4" Condominium |
| "R-4" | Apartment | "R-5" Apartment House |
| "MHP" | Mobile Home Park | "M-P" Mobile Home Park |
| "MHS" | Mobile Home Subdivision | "M-S" Mobile Home Sub. |
| "PUD" | Planned Unit Development | "PUD" Planned Unit Dev. |
| "CP-0" | Planned Commercial Office | "C-O" Office Building |
| "CP-1" | Planned Neighborhood Business | "CO-A" Neighborhood Business |
| "CP-2" | Planned General Business | "C-2" General Business |
| "CP-3" | Planned Commercial | "C-3" Commercial |
| "IP-1" | Planned Light Industrial | "M-1" Restricted Industrial |
| "IP-2" | Planned Industrial | "M-2" General Industrial |
| "IP-3" | Planned Heavy Industrial | "M-2" General Industrial |

16-308 ZONING PROCEDURE. The requirements of this Zoning Ordinance permit only those uses listed in each district under PERMITTED USES and CONDITIONAL USES. Any owner of property desiring to use his/her property for some use other than the listed uses may request the Planning Commission to consider amending the regulations.